

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
THURSDAY SEPTEMBER 20, 2007
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON OCTOBER 3, 2007**

MEETING MINUTES

Present: Rick Doughty, Carol Pillsbury, Oden Cassidy

Staff: Dawn Kinney, Alan Leo

Maine EMS Investigator: Karen Packard

AAG: Laura Yustak Smith

1. Call To Order: The meeting was called to order at 9:15 a.m.

The committee discussed the following issues;

- Need to add language to the MEMS Rules to require all providers to notice MEMS of any change of address
- Karen updated on progress on developing a list of persons who can conduct a Fitness For Duty Evaluation
- There is a need for an EMT Code of Ethics

A. Additions/Deletions to the Agenda – Case 05-04

2. Complaint/Investigation Cases 05-04, 07-28, 07-33, 7-35 and 07-38.

The committee entered executive session for the purpose of reviewing investigation and discussing cases 05-04 and 07-33.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A), §92(3) and 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and the purpose of discussing cases 05-04, and 07-33. (Doughty; Cassidy - motion carries)

The committee entered executive session at 9:30 a.m. and exited at 10:00 a.m.

During executive session, the committee discussed options for disposition of cases 05-04 and 07-33.

Motion: In case 05-04, the Committee directed staff to send a letter to Licensee that the investigation is terminated due to expiration of Licensee's license and the investigation will be reopened if Licensee should reapply for another Maine EMS license. This notice will remain on file indefinitely. (Doughty; Cassidy – motion carries).

Motion: In case 07-33, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(34), Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 2-B. The Committee moves that staff send a Letter of Guidance for allowing an unlicensed provider to respond and provide patient care on their behalf and that the Letter of Guidance include direction to the service to update its policy to

assign a driver number for any unlicensed provider. The Committee found mitigating circumstances in that: Licensee took full responsibility for what occurred; Licensee developed a policy and procedure for the service to prevent this from happening again and there was no patient harm. In consideration of the mitigating factors, the violation did not warrant disciplinary action. The Letter of Guidance will be kept on file for 5 years. The Committee considers this investigation 07-33 resolved and closed upon issuance of the Letter of Guidance. (Doughty; Cassidy - motion carries).

The committee entered executive session for the purpose of reviewing investigation and discussing case 07-38.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A), §92(3) and 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and the purpose of discussing case # 07-38. (Doughty; Cassidy - motion carries)

The committee entered executive session at 12:50 p.m. and exited at 1:00 p.m.

During executive session, the committee discussed options for disposition of case 07-38

Motion: The Committee directs staff to continue investigation of case 07-38 and to schedule an informal conference for November 2007. (Doughty; Cassidy - motion carries)

The committee entered executive session for the purpose of reviewing investigations and discussing cases 07-28 and 07-35.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A), §92(3) and 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and the purpose of discussing cases and 07-28 and 07-35. (Doughty; Cassidy - motion carries)

The committee entered executive session at 1:50 p.m. and exited at 2:15 p.m.

During executive session, the committee discussed options for disposition of cases 07-28 and 07-35.

Motion: The Committee directs staff to continue investigation for case 07-28 and to schedule an informal conference for October 2007. (Doughty; Cassidy - motion carries)

Motion: The Committee directs staff to continue investigation for case 07-35 and to schedule an informal conference for October 2007. (Doughty; Cassidy - motion carries)

3. Informal Conference – Cases 07-26 and 07-27

A. Case # 07-26

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F)(E) for receiving legal advice and for the purpose of conducting an informal conference concerning case 07-26. (Doughty; Cassidy - motion carries).

The committee entered executive session at 11:30 a.m. and exited at 12:05 p.m.

During executive session, the committee met with Licensee and discussed options for disposition of case 07-26.

Motion: In case 07-26, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(30) [Providing treatment at a level for which a person is not licensed.] and 32 M.R.S.A. §82 (1) License required [An emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services Board]. This violation is based on the Licensee providing patient care with an expired license on three ambulance calls during a period from June 1, 2007 to June 11, 2007. The Committee found aggravating circumstances due to Licensee not having sufficient training to renew license prior to providing patient care. The Committee found mitigating circumstances: Licensee was unlicensed for a very brief period and only responded on three ambulance calls; and there was no patient harm. In consideration of the mitigating factors the Committee proposed to resolve this investigation with a Consent Agreement to include the following condition: Licensee agrees to a \$300.00 fine to be paid within 6 months of the execution of the Consent Agreement. Investigation 07-26 will be resolved and closed with the execution of the Consent Agreement by all parties. (Doughty; Pillsbury – Cassidy opposed - motion carries).

B. Case # 07-27

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(E),(F) to receive legal advice and for the purpose of conducting an informal conference concerning case 07-27. (Doughty; Cassidy – motion carries)

The committee entered executive session at 1:15 p.m. and exited at 2:15 p.m.

During executive session, the committee met with Licensee and discussed options for disposition of case 07-27.

Motion: In case 07-27, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(30) [Providing treatment at a level for which a person is not licensed.] and 32 M.R.S.A. §82 (1) License required [emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services Board]. This violation is based on the Licensee providing patient care with an expired license on twenty ambulance calls during a period from January 1, 2007 to July 14, 2007. The Committee proposed to resolve this investigation with a Consent Agreement to include the following condition: Licensee agrees to a \$900.00 fine. (Doughty – motion dies due to no second)

Motion: In case 07-27, The Committee finds that Licensee did not violate Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(30) [Providing treatment at a level for which a person is not licensed.] and 32 M.R.S.A. §82 (1) License required [emergency medical services person]. The Committee proposes that this did not warrant disciplinary action, to dismiss complaint and to issue license. The Committee considers investigation 07-27 resolved and closed. (Pillsbury; Cassidy – Doughty opposed - motion carries).

4. Applications

A. Heidi Boucher – Informal Review

Motion: The Committee finds that Applicant violated Maine EMS Rules (dated September 1, 2006) Chapter 11 § (1)(4) Any criminal conviction, subject to the limitations of Maine statute; Chapter 11§ (1)(5) Acting in ways that are dangerous or injurious to the licensee or other persons; Chapter 11 § (1)(14) Violation of any standard established in the profession. The Committee finds that the violation is based on Licensee's September 23, 2004 convictions for Assault and Battery, Assault with a Dangerous Weapon and Destruction of Property in Massachusetts. The Committee found mitigating circumstances in that the Licensee took responsibility and was forthright with Committee; it was an isolated incident; voluntarily attended counseling; successful completion of probation; has several letters of recommendation; has recommendations of supervisors of patient care; has held a series of positions of trust in clients homes with no complaints regarding patient care. The Committee finds that the Applicant is sufficiently rehabilitated to warrant the public's trust, subject to review by MEMS staff of requested additional letters of recommendation, Applicant's resume and a statement regarding counseling at New Hope, to issue license with a consent agreement for 5 years. The Consent Agreement to include the following conditions: Applicant will report any criminal charges filed against Applicant in any state or Federal Court within 10 days of charges being docketed; that if charges are filed against Applicant in any State or Federal court Applicant will immediately surrender any license issued by Maine EMS pending resolution of any EMS investigation into the conduct, unless Applicant shows good cause as to why license should continue pending investigation, and the Applicant agrees to pay the \$15.00 to perform a criminal back ground report upon renewal. (Doughty; Cassidy – motion carries).

B. Michael Roberson

Motion: The Committee requests for staff to obtain additional documentation and to schedule an informal review in November 2007. (Doughty; Cassidy - motion carries)

5. Next Meeting

The next meeting is scheduled for Thursday, October 18, 2007 at 09:15 a.m.

6. Adjourn

Adjourn – The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent